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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/786,378
Filing Date	February 25, 2004
First Named Inventor	Hill
Art Unit	3754
Examiner Name	Not Yet Assigned
Attorney Docket Number	SPD-101US

**ENCLOSURES (Check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below): |
|--|---|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Jansson, Shupe & Munger, Ltd., 245 Main Street, Racine, WI 53403		
Signature			
Printed name	John E. Munger		
Date	May 9, 2005	Reg. No.	37,685

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	John E. Munger	Date	May 9, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Patent Application of:	)	
	)	
David J. Hill	)	Attorney Docket No. SPD-101US
	)	
Serial No.: 10/786,378	)	Group Art Unit: 3754
	)	
Filed: February 2, 2004	)	Examiner: Not Yet Assigned
	)	
Title: BI-LEAVED VALVE	)	
APPARATUS	)	

PETITION FOR EXPUNGEMENT OF INFORMATION  
OR COPY OF PAPERS IN APPLICATION FILE

Pursuant to 37 C.F.R. section 1.59 and the Manual of Patent Examining Procedure sections 724.02 and 724.05, Spee-Dee Packaging Machinery, Inc., the Petitioner and Assignee, (the "Petitioner"), requests that the Technology Center Director grant this Petition to Expunge Information or Copy of Papers in Application File at the close of prosecution on the merits.

1. Contemporaneously with the submission of this Petition, Petitioner submits a two-page document, including drawings of a valve apparatus for controlling bulk material flow. The two-page document is located in the enclosed sealed enveloped labeled "PROPRIETARY MATERIAL NOT OPEN TO PUBLIC. TO BE OPENED ONLY BY EXAMINER OR OTHER AUTHORIZED U.S. PATENT AND TRADEMARK EMPLOYEE." Also separately filed, Petitioner submits a Supplementary Information Disclosure Citation and an Information Disclosure Statement for Proprietary Documents, each including disclosure of the two-page document.

2. Upon information and belief, the aforementioned documents are owned by a party other than Petitioner ("Owner"). Petitioner became aware of the existence of these documents when the Owner of the documents voluntarily provided a copy of said documents to Petitioner. Owner's transmission of the documents to Petitioner was not provided for the purposes of this patent prosecution.

3. Petitioner has no direct personal knowledge as to the authenticity of the documents or whether they constitute prior art to the above-identified patent application. However, to ensure compliance with the duty of disclosure, Petitioner believes it is constrained to provide this information to the Office. See 37 C.F.R. §§ 1.56(c), 1.555. See also MPEP §§ 724, 2001.

4. Upon information and belief, the enclosed documents are private and have not otherwise been made public (the "Proprietary Documents").

5. Because the enclosed documents might include proprietary information of Owner, Petitioner believes it would be appropriate to expunge such documents.

6. Petitioner is committed to retain the Proprietary Documents for the period of any patent which might issue with regard to which the documents are submitted.

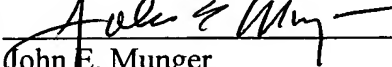
7. Petitioner, the party in interest, submits this Petition for Expungement and also submits the Proprietary Documents concurrently with the Petition for Expungement. The Petition will be acted upon at the conclusion of prosecution on the merits.

In re Patent Application of:  
David J. Hill  
Serial No. 10/786,378

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The Commissioner is authorized to debit deposit account 10-0270 for the full amount of any fee which may be due in connection with this Request for Expungement under 37 C.F.R. sections 1.17(h) or (i). Kindly notify the undersigned of the amount the deposit account is debited.

Respectfully submitted,

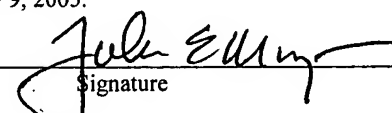
By   
John E. Munger  
Registration No. 37, 685

Jansson, Shupe & Munger, Ltd.  
245 Main Street  
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(262) 632-6900  
Attorney Docket No. SPD-101US

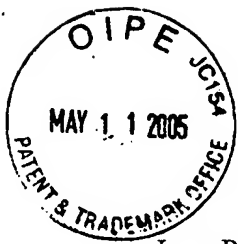
CERTIFICATE OF MAILING

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John E. Munger  
Name

  
Signature

MAY 9, 2005  
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

David J. Hill

Attorney Docket No. SPD-101US

Serial No. 10/786,378

Group Art Unit: 3754

Filed: February 25, 2004

Examiner: Not Yet Assigned

Title: BI-LEAVED VALVE APPARATUS

**COPY**

\* \* \* \* \*

Jansson, Shupe & Munger, Ltd.  
245 Main Street  
Racine, WI 53403-1034  
May 9, 2005

MAIL STOP DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT  
FOR PROPRIETARY DOCUMENTS

Attached is a completed Information Disclosure Statement (IDS) form and a copy of each document listed thereon. The statement is believed to be timely filed pursuant to 37 C.F.R. § 1.97(b)(3) because, as far as Applicant is aware, the first office action has not yet been mailed. Applicant submits the identified documents for consideration under the Manual of Patent Examining Procedure section 724.

Consideration of each such document by the Director is respectfully requested. Pursuant to section 609 of the Manual of Patent Examining Procedure, the Director is requested to return an initialed copy of such PTO-1449 form with the next communication, to indicate that such documents have been considered.

Applicant wishes to provide comments with respect to certain of the accompanying references as follows:

The materials listed on the IDS are the subject of a Petition for Expungement of Information or Copy of Papers in Application File that has been concurrently filed by Petitioner and Assignee, Spee-Dee Machinery Packaging, Inc. There are two documents, labeled "PROPRIETARY DOCUMENT 1 OF 2" and "PROPRIETARY DOCUMENT 2 OF 2." Upon information and belief, each of the documents is private and has not otherwise been made public. On the back of each document is located a label containing the application number, filing date, title of invention, and group art unit number for the above-identified patent application for which the Proprietary Documents are submitted. Neither document is dated or titled. Please initial and return the Form 1449 to reflect that the document has been considered.

This submission is not a representation that any such document is prior art to this application; the right to establish otherwise, pursuant to 37 C.F.R. 1.131 or otherwise, is reserved.

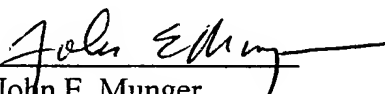
The listed documents are not represented to be material to the examination of this application; such documents are cited, however, to make it clear beyond any doubt that there has

In re Patent Application of:  
Hill  
Serial No. 10/786,378

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been compliance with the Duty of Disclosure. Applicant does not concede each item cited is relevant but the items are cited to show the general background of the art.

Respectfully submitted,

By   
John E. Munger  
Registration No. 37,685

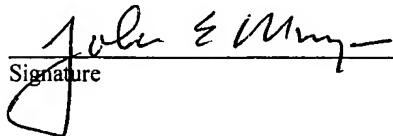
Attorneys for Applicant:

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Telephone: 262/632-6900

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John E. Munger  
Name

 May 9, 2005  
Signature Date